

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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AMIL DINOSIO,

Plaintiff,

DECISION AND ORDER

05-CV-6159L

v.

U.S. DEPARTMENT OF JUSTICE, et al.,

Defendants.

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This Court issued a Decision and Order on August 21, 2006, denying plaintiff's motion for partial summary judgment and for other relief. In addition, the Court granted, in part, defendants' motion for summary judgment. Familiarity with that decision is presumed.

Plaintiff has now filed two motions: the first is a motion for reconsideration (Dkt. #30); and the second is a motion (Dkt. #31) suggesting that this Court should recuse itself pursuant to 28 U.S.C. § 455(a).

I have reviewed plaintiff's motion for reconsideration, and there is nothing whatsoever in that pleading which suggests that the Court should change or modify its Decision of August 21, 2006. The motion to reconsider is in all respects denied.

Similarly, there is no basis for this Court to recuse itself. Essentially, plaintiff is dissatisfied with the Court's decision and claims that because the Court ruled against him that I must be biased

or prejudiced. That is not the purpose for § 455. There is nothing in the record to suggest that the Court is partial to one side or the other.

#### CONCLUSION

Plaintiff's motion for reconsideration (Dkt. #30) is denied. Plaintiff's motion requesting the Court recuse itself (Dkt. #31) is denied.

IT IS SO ORDERED.



DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
September 11, 2006.